

# LEXMARK

Lexmark International, Inc.  
740 West New Circle Road  
Lexington, KY 40550  
USA

Practitioner's Docket No. 2003-0888.01

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Benjamin A Askren, Peter Alden Bayerle and Donn Duane Bryant

Application No.: 10/798,929

Group No.: 2852

Filed: March 11, 2004

Examiner: Roth, Laura K.

Mail Stop 16

Director of the U.S. Patent and Trademark Office

P.O. Box 1450

Alexandria, VA 22313-1450

### REQUEST FOR REFUND (IMPROPER CHARGE OF DEPOSIT ACCOUNT)

#### I. REFUND REQUEST

This is a request for a refund, with respect to the charge to Deposit Account 12-1213, shown on the May 2006 statement, on the 17<sup>th</sup> day, for the above-identified application.

A copy of the monthly statement, in which the error referred to occurs, accompanies this request.

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#### CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\*

(When using Express Mail, the Express Mail label number is *mandatory*;  
*Express Mail certification is optional.*)

I hereby certify that, on the date shown below, this correspondence is being:

#### MAILING

☐ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10\*

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#### TRANSMISSION

☒ facsimile transmitted to the Patent and Trademark Office, (571) 273-6500.

Date:

6/7/2006

Signature

*E. L. Clark*  
(type or print name of person certifying)

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

1 of 2

**II. FEES CHARGED FOR WHICH REFUND REQUESTED****AMOUNT OF  
REFUND  
REQUESTED**

Excess claims..... \$200.00

**TOTAL REFUND REQUESTED..... \$200.00****III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR**

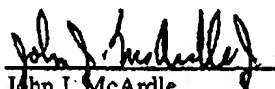
Excess claims fee was paid at the initial filing of the application. An amendment was filed on 02/20/2006, in response to the Office Action mailed on 12/01/2005. The fee transmittal accompanying the Amendment contained a typographical error stating "6" dependent claims were filed with the initial filing. However, the number of dependent claims was "5" with the initial filing and remains the same.

**IV. MANNER OF REFUND**

Please make refund by crediting Deposit Account No.: 12-1213.

Date:

June 7, 2006

  
\_\_\_\_\_  
John J. McArdle  
Registration No. 26,770  
LEXMARK INTERNATIONAL, INC  
Intellectual Property Law Department  
Lexington, KY 40550 US  
859-232-3939  
Customer No. 21972

PTO/SB-08 (12-00)

Approved for use through 7/31/2006. CMS 0051-0032

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875 Effective December 8, 2004

Application or DocId Number

101798999

## APPLICATION AS FILED - PART I

(Column 1)		(Column 2)	SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)		RATE (\$)	FEE (\$)
BASIC FEE (37 CFR 1.15(a), (b), & (c))	N/A	N/A	N/A	150.00		N/A	300.00
SEARCH FEE (37 CFR 1.15(b), (c), & (d))	N/A	N/A	N/A	\$250		N/A	\$500
EXAMINATION FEE (37 CFR 1.15(d), (e), & (f))	N/A	N/A	N/A	\$100		N/A	\$200
TOTAL CLAIMS (37 CFR 1.15(g))	minus 20 =		X\$ 25		OR	X\$50	
INDEPENDENT CLAIMS (37 CFR 1.15(h))	minus 3 =		X100			X200	
APPLICATION SIZE FEE (37 CFR 1.15(i))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.15(s).						
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.15(j))			+180=			+360=	
			TOTAL			TOTAL	

\* If the difference in column 1 is less than zero, enter "0" in column 2.

## APPLICATION AS AMENDED - PART II

(Column 1)		(Column 2)	(Column 3)	SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)		RATE (\$)	ADDITIONAL FEE (\$)	
Total (37 CFR 1.15(i))	minus 20 =		X\$ 25		OR	X\$50		
Independent (37 CFR 1.15(j))	minus 6 =		X100		OR	X200		
Application Size Fee (37 CFR 1.15(s))					OR			
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.15(j))			+180=		OR	+360=		
			TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE		

(Column 1)		(Column 2)	(Column 3)	SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)		RATE (\$)	ADDITIONAL FEE (\$)	
Total (37 CFR 1.15(i))	minus		X\$ 25		OR	X\$50		
Independent (37 CFR 1.15(j))	minus		X100		OR	X200		
Application Size Fee (37 CFR 1.15(s))					OR			
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.15(j))			+180=		OR	+360=		
			TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE		

\* If the entry in column 1 is less than the entry in column 2, enter "0" in column 3.

\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

This collection of information is required by 37 CFR 1.15. The information is required to obtain or retain a patent by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-8199 and select option 2.



**United States  
Patent and  
Trademark Office**



**Deposit Account Statement**

Requested Statement Month: May 2006  
 Deposit Account Number: 121213  
 Name: LEXMARK INTERNATIONAL INC  
 Attention: INTELLECTUAL PROPERTY LAW DEPARTMENT  
 Address: 740 WEST NEW CIRCLE ROAD  
 City: LEXINGTON  
 State: KY  
 Zip: 40550  
 Country: UNITED STATES

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
05/03	150	PCT/US05/23028	2004-0112.02	1605	\$600.00	\$12,839.75
05/03	151	PCT/US05/23028	2004-0112.02	1705	\$155.00	\$12,684.75
05/03	152	PCT/US05/23393	2004-0204.02	1605	\$600.00	\$12,084.75
05/03	153	PCT/US05/23393	2004-0204.02	1705	\$155.00	\$11,929.75
05/03	154	PCT/US05/23403	2004-016.02	1605	\$600.00	\$11,329.75
05/03	155	PCT/US05/23403	2004-016.02	1705	\$155.00	\$11,174.75
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05/09	335	11382297	2005-0752.01	8021	\$40.00	\$83,275.75
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05/15	1387	11383266	2005-0702.01	1202	\$850.00	\$77,215.75
05/15	1388	11383266	2005-0702.01	1201	\$400.00	\$76,815.75
05/16	24	11382876		8021	\$40.00	\$76,775.75
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* 05/17	1	10798929	2003-0888.01/4670-276	1201	\$200.00	\$76,550.75
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05/17	1079	11383773	2005-0518.02	1011	\$300.00	\$74,130.75
05/17	1080	11383773	2005-0518.02	1111	\$500.00	\$73,630.75
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05/18	1298	11419040	2005-0639.03	1111	\$500.00	\$69,940.75
05/18	1299	11419040	2005-0639.03	1311	\$200.00	\$69,740.75
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05/23	364	PCT/US04/22824	2001-0698.03	1605	\$600.00	\$64,920.75
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05/25 44	11420115	2005-0331.02	8021	\$40.00	\$84,725.75
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05/25 64	11420115	2005-0331.02	1111	\$500.00	\$63,925.75
05/25 65	11420115	2005-0331.02	1311	\$200.00	\$83,725.75
05/25 66	11420115	2005-0331.02	1202	\$350.00	\$83,375.75
05/25 128	10224660	2001-0380.02	1501	\$1,400.00	\$61,975.75
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05/25 130	10224660	2001-0380.02	8001	\$9.00	\$61,666.75
05/26 92	10760726	2003-0574.02	1501	\$1,400.00	\$60,266.75
05/26 93	10760726	2003-0574.02	1504	\$300.00	\$59,966.75
05/26 94	10760726	2003-0574.02	8001	\$9.00	\$59,957.75
05/30 97	10946679	2002-0300.05	1501	\$1,400.00	\$58,557.75
05/30 98	10946679	2002-0300.05	1504	\$300.00	\$58,257.75
05/30 99	10946679	2002-0300.05	8001	\$9.00	\$58,248.75
05/31 6	11383266	2005-0702.01	1311	\$200.00	\$58,048.75

START	SUM OF	SUM OF	END
BALANCE	CHARGES	REPLENISH	BALANCE
\$13,439.75	\$35,391.00	\$80,000.00	\$58,048.75

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01 FC:1201 200.00 CR

*Fee Sheet*